S.B. Criminal Misc. Bail Application No.5123/2006
Date : 15.11.2006

HON'BLE MR.SATYA PRAKASH PATHAK, J.

Mr. N.K. Rastogi for the applicants.
Mr. Vishnu Kachhawaha, Public Prosecutor.

I have heard learned counsel for the applicants as well as the learned Public Prosecutor for the State and carefully gone through the impugned order.

The contention of learned counsel for the applicants is that incident has taken place in the dark night and nobody was identified and there is no identification parade held in this case. He submits that some clothes and a watch were recovered but in that regard also no identification was held. His submission is that prosecution case if taken as it is then also no conviction can be recorded against the applicants.

On the other hand, learned Public Prosecutor has not disputed that regarding clothes and watch no identification took place.

I have considered the submission made before me.

Without expressing any opinion on the merit of the case while taking into consideration the overall facts and circumstances of the present case, I think it just and proper to enlarge the accused applicant on bail.

Accordingly, the bail application filed under Sec. 439 Cr.P.C. is allowed and it is directed that applicants (1) Haamji s/o Ravji Meena (2) Mohania s/o Kaniya Meena nd (3) Shantiya s/o Kaniya Meean shall be released on bail in FIR No.3/2006 P.S. Salamgarh, District Chittorgarh, provided each of them executes a personal bond in the sum of Rs.1,00,000/- with two sound and solvent sureties in the sum of Rs.50,000/- each to the satisfaction of learned trial court for their appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

(SATYA PRAKASH PATHAK), J.